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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,144	06/25/2003	Vincent J. Zimmer	20002/16809	3965
34431	7590	08/22/2006	EXAMINER	
HANLEY, FLIGHT & ZIMMERMAN, LLC 20 N. WACKER DRIVE SUITE 4220 CHICAGO, IL 60606			LASHLEY, LAUREL L	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,144	<b>Applicant(s)</b> ZIMMER ET AL.	
	<b>Examiner</b> Laurel Lashley	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.


#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
KAMBIZ ZAND  
PRIMARY EXAMINER

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1 – 28 have been examined.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 05/24/2004 was filed after the mailing date of the application on 06/25/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Patel in US Patent No. 6327660 (hereinafter US '660).

5. For claim 1 similar claim 26, US '660 discloses:

A method of receiving a password, the method comprising: receiving a password routine, the password routine being digitally signed using a private key; authenticating the password routine using a public key associated with the private key; storing the password routine in a first area of a memory device, the first area of the memory device being unavailable to a memory management unit, the memory device including a second area, the second area being available to the memory management unit; and executing the password routine in a pre-boot environment to receive the password. (see column 3, lines 2-8 and 14-16; column 6, lines 25- 41)

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For claim 2, US '660 teaches:

A method as defined in claim 1, further comprising executing a non-trusted device driver in the pre-boot environment. (see column 4, lines 12 – 16; column 5, lines 58 – 63)

For claim 3, US '660 teaches:

A method as defined in claim 2, wherein the non-trusted device driver is only executed if the password matches a password stored in the first area of the memory device. (see column 6, lines 59-66)

For claim 4, US '660 discloses:

A method as defined in claim 3, wherein the non-trusted device driver is stored in the second area of the memory device. (see column 6, lines 59 – 66)

For claim 5, US '660 discloses:

A method as defined in claim 1, wherein executing the password routine comprises executing the password routine using a processor in a secure mode, the secure mode being a hardware feature of the processor. (see column 5, lines 58 – 63)

For claim 6, US '660 teaches:

A method as defined in claim 5, wherein the secure mode limits the use of input hardware. (see column 2, lines 53 – 57)

For claim 7, US '660 teaches:

A method as defined in claim 6, wherein the secure mode limits the use of output hardware. (see column 2, lines 53 – 57)

For claim 8, US '660 teaches:

A method as defined in claim 1, wherein the password routine calls a trusted graphics routine, the trusted graphics routine being digitally signed. (see column 2, lines 53 – 57; column 3, lines 13 - 16)

For claim 9, US '660 discloses:

A method as defined in claim 8, wherein the trusted graphics routine calls a trusted display driver, the trusted display driver being digitally signed. (see column 2, lines 53 – 57; column 3, lines 13 - 16)

For claim 10, US '660 discloses:

A method as defined in claim 1, wherein the password routine calls a trusted keyboard driver, the trusted keyboard driver being digitally signed. (see column 2, lines 53 – 57; column 3, lines 13 - 16)

For claim 11, US '660 discloses:

A method as defined in claim 1, wherein the password comprises a basic input output system (BIOS) password. (see column 6, lines 28 –29)

For claim 12 and similar claim 22, US '660 teaches:

An apparatus to execute a trusted software program in a pre-boot environment, the apparatus comprising: a memory device including a first memory portion and a second memory portion, the first memory portion storing the trusted software program; a memory management unit operatively coupled to the memory device, the memory management unit being unable to access the first memory portion, the memory management unit being able to access the second memory portion; and a processor operatively coupled to the memory device, the processor to execute the trusted software program in the pre-boot environment. (see column 2, lines 40 – 43; column 4, lines 13 – 16 and 28 – 33; column 6, lines 58 – 66)

For claim 13, US '660 discloses:

An apparatus as defined in claim 12, further comprising a non-trusted software program stored in the second memory portion. (see column 7, lines 21 – 23)

For claim 14, US '660 teaches:

An apparatus as defined in claim 13, wherein the processor executes the non-trusted software program in the pre-boot environment. (see column 7, lines 21 – 23)

For claim 15, US '660 teaches:

An apparatus as defined in claim 12, wherein the trusted software program comprises a hardware driver. (see column 2, lines 53-57)

For claim 16, US '660 discloses:

An apparatus as defined in claim 15, wherein the hardware driver comprises a keyboard driver. (see column 2, lines 53-57)

For claim 17, US '660 discloses:

An apparatus as defined in claim 15, wherein the hardware driver comprises a display driver. (see column 2, lines 53-57)

For claim 18, US '660 teaches:

An apparatus as defined in claim 12, wherein the trusted software program comprises a graphical user interface display routine. (see column 2, lines 53-57)

For claim 19, US '660 teaches:

An apparatus as defined in claim 12, wherein the trusted software program comprises a password collection routine. (see column 6, lines 29 – 30)

For claim 20, and similar claim 24 US '660 discloses:

An apparatus as defined in claim 12, wherein the processor includes a secure mode that limits the use of input hardware and output hardware connected to the processor. (see column 2, lines 53.-57)

For claim 21, US '660 teaches:

An apparatus as defined in claim 20, wherein the processor executes the trusted software

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program in the pre-boot environment while the processor is in the secure mode. (see column 2, lines 40 –44)

For claim 23, US '660 discloses:

An apparatus as defined in claim 22, wherein the keyboard driver, the display driver, the graphics routine, and the password collection routine are each authenticated using a digital signature. (see column 2, lines 53 – 57 and column 3, lines 13 – 16)

For claim 25, US '660 discloses:

An apparatus as defined in claim 24, wherein the processor executes the keyboard driver, the display driver, the graphics routine, and the password collection routine in the pre-boot environment while the processor is in the secure mode. (see column 2, lines 40 – 44 and column 2, lines 53 – 57)

For claim 27, US '660 teaches:

A machine readable medium as defined in claim 26, wherein the instructions are structured to cause the machine to executing a non-trusted software routine in the pre-boot environment, the non-trusted software routine being stored in the second area of the memory device. (see column 6, lines 56 – 66)

For claim 28, US '660 teaches:

A machine readable medium as defined in claim 27, wherein the non-trusted software routine comprises a legacy driver. (see column 6, lines 56 – 66)

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zimmer in US PGPub No. 2004/0103299 discloses ideas relevant to the present invention.


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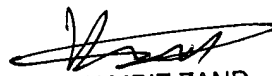
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurel Lashley  
Examiner  
Art Unit 2132

 LLL  
18 August 2006

  
KAMBIZ ZAND  
PRIMARY EXAMINER